

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tupler et al. Art Unit : 1649  
Serial No. : 10/686,491 Examiner : Steven H. Standley  
Filed : October 14, 2003 Conf. No. : 3543  
Title : METHODS OF DETECTING AND TREATING FACIOSCAPULOHUMERAL  
MUSCULAR DYSTROPHY

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## NOTICE OF APPEAL


Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated October 31, 2007, finally rejecting claims 1-2, 5-7, 21 and 23.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 2 month(s) to and including March 31, 2008 is enclosed.

The fee in the total amount of \$255 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 07917-180001.

Respectfully submitted,

Date: March 31, 2008

  
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**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: March 31, 2008